

Chesapeake Bay Exception CBE-11-042: 2035 Bush Neck Road

Staff report for the November 10, 2010 Chesapeake Bay Board Public Hearing

This staff report is prepared by the James City County Environmental Division to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

Existing Site Data & Information

Applicant:	Mary Lou Clark
Land Owner:	Mary Lou Clark 2035 Bush Neck Road Williamsburg, VA 23188
Location:	2035 Bush Neck Road PIN: 3420100008
Parcel Size/Zoning:	10.9 +/- acres, A1 General Agriculture
Percent of Parcel in RPA:	39% (4.30 +/- acres)
Watershed:	Chickahominy River (HUC – JL29)

Proposed Impacts

Impervious Area:	approximately 2,146 square feet
RPA Encroachment:	landward 50 foot RPA Buffer

Brief Summary and Description of Activities

Mary Lou Clark has applied for an exception to the Chesapeake Bay Ordinance for an encroachment into the RPA buffer for a 3 car garage with workshop and exercise room. The location of the new structure avoids existing septic system components and avoids impacting the 50 foot seaward buffer, while allowing for relative close access to the home. The mitigation rate would be five (5) units for this amount of impervious cover (5 canopy trees/10 understory trees/15 shrubs). The applicant has not yet provided a mitigation plan, but has been advised of the requirements.

The lot was recorded after the 1990 adoption of the Chesapeake Bay Preservation Ordinance but prior to the Ordinance revisions of 2004. In this case, the exception request is for the building of a new 3 car garage with a workshop and exercise room. This will encroach into the landward 50' RPA buffer. Therefore in accordance with section 23-14 of the Ordinance, an exception must be processed by the Chesapeake Bay Board after a public hearing. Furthermore, staff finds that the application has met the conditions in the Chesapeake Bay Preservation Ordinance, Sections 23-11 and 23-14, and that the application should be heard by the Board.

Staff Recommendation

Staff has fully reviewed the application and exception request, including the WQIA, and has determined impacts associated with the proposal to be noteworthy for the proposed construction and that there is no proposed mitigation plan. Staff recommends the Chesapeake Bay Board approve this Chesapeake Bay Exception with the following conditions:

1. The applicant must obtain all other necessary local permits as required for the project.
2. All proposed mitigation plantings shall meet James City County standards of 1" caliper for the canopy and understory trees and three gallon pots for the proposed shrubs.
3. A pre-construction meeting shall be held on-site prior to work commencing.
4. A RPA Mitigation Plan shall be submitted to, and approved by, the Environmental Division prior to the pre-construction meeting. The mitigation plan shall include at least 5 units.
5. Full implementation of the RPA Mitigation Plan and any additional Board mitigation requirements shall be guaranteed through the provisions of the Ordinance contained in Sections 23-10(3) d. and 23-17(c) by providing a form of surety satisfactory to the County Attorney. Surety in this case shall be \$2,000.00.
6. This exception request approval shall become null and void if construction has not been completed by November 10, 2011 including the required mitigation plantings.
7. Written requests for an extension to an exception shall be submitted to the Environmental Division no later than 2 weeks prior to the expiration date.

Consideration by the Chesapeake Bay Board

The exception granting body is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Chesapeake Bay Board is to fully consider Chesapeake Bay Exception CBE-11-042 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or granting denial of Chesapeake Bay Exception CBE-11-042 are included for the Board's use and decision.

Staff Report prepared by:

Michael D. Woolson
Senior Watershed Planner

CONCUR:

Scott J. Thomas
Secretary to the Board

Attachments: Sensitive Area Activity Application
GIS photos
Existing condition photos